

S.C.

Notice of Allowability	Application No.	Applicant(s)	
	10/723,014	GATZKE, KENNETH G.	
	Examiner	Art Unit	
	Gentle E Winter	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/23/04.
2. ☒ The allowed claim(s) is/are 16-20 renumbered as 1-5.
3. ☒ The drawings filed on 26 January 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Gentle E. Winter

Election/Restriction--Final

1. Applicant's election with traverse of Group II, claims 16-20 in the reply filed on 6/21/04 is acknowledged. The traversal is on the ground(s) that some of the dependant claims disclose the same subject matter and that as a result there should not be a serious burden. This is not found persuasive because the mere fact that there is some overlap in the different inventions does not, in this case, lessen the seriousness of the burden in searching the different limitations of the separate inventions.
2. The requirement is still deemed proper and is therefore made FINAL.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Douglas B. Little on August 21, 2004.

The application has been amended as follows:

Nonelected claims 12-15 are cancelled without prejudice.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:
5. The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 1746

6. United States Patent No. 5,858,942 to Adams et al. fails to teach each and every limitation of the instant invention. Specifically, the Adams reference fails to teach inserting the solvent carrying tube into the air intake manifold of the engine and operating the engine and adding the cleaner at about 25-50 grams per minute, which is disclosed as an essential element of claimed invention, as described in claim 16.

7. Further, while Adams and the prior art of record, taken together appear to teach each and every element of the invention, as claimed, the references, and the prior art of record, apparently fail to provide the requisite motivation for making the instantly claimed combination. For the foregoing reasons, and others, claims 16-20, renumbered as claims 1-5, are believed to recite patentable subject matter. The prior art of record appears to place emphasis on allowing the engine to draw in the cleaning fluid during operation, or alternatively, injecting the cleaning solution into the fuel line see e.g. figure 3 and relevant associated text of United States Patent No. 4,807,578 to Adams et al.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gentle E Winter whose telephone number is 571-272-1310. The examiner can normally be reached on Monday through Friday 7AM-4PM.

Art Unit: 1746

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions on access to the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gentle E. Winter
Examiner
Art Unit 1746

MICHAEL BARR
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Michael Barr', with a long horizontal flourish extending to the right.